1   _____ BILL NO. _____

2   INTRODUCED BY _____

                                (Primary Sponsor)

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF DEFRAUDING AN ALCOHOL OR

5   DRUG SCREENING TEST; AND PROVIDING PENALTIES."

6

7   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8

9   NEW SECTION. **Section 1. Defrauding alcohol or drug screening test -- penalty.** (1) A person

10   commits the offense of defrauding an alcohol or drug screening test if the person purposely or knowingly:

11   (a) (i) sells, gives away, distributes, or markets urine in this state or transports urine into this state with

12   the intent that the urine be used to defraud an alcohol or drug screening test;

13   (ii) attempts to foil or defeat an alcohol or drug screening test by the substitution of or spiking of a urine

14   sample or by the advertisement of a sample substitution or other spiking device or measure;

15   (b) (i) adulterates a urine sample or other bodily fluid sample with the intent to defraud an alcohol or

16   drug screening test;

17   (ii) possesses an adulterant that is intended to be used to adulterate a urine sample or other bodily fluid

18   sample with the intent to defraud an alcohol or drug screening test; or

19   (iii) sells an adulterant with the intent that the adulterant be used to adulterate a urine sample or other

20   bodily fluid sample for the purpose of defrauding an alcohol or drug screening test.

21   (2) (a) A person convicted of defrauding an alcohol or drug screening test shall be imprisoned in the

22   county detention center for a term not to exceed 6 months, fined an amount not to exceed $500, or both.

23   (b) On a second or subsequent conviction of defrauding an alcohol or drug screening test, the person

24   shall be imprisoned in a state prison for a term not to exceed 2 years, fined an amount not to exceed $5,000,

25   or both.

26

27   NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an

28   integral part of Title 45, chapter 9, part 1, and the provisions of Title 45, chapter 9, part 1, apply to [section 1].

29   - END -